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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

Christine Whalen, et al.,

Case No.: 23-cv-00459-VC

Plaintiffs,

v.

Kroger Co., Albertsons Companies, Inc.,  
and Cerberus Capital Management, L.P.,

Defendants.

**STATEMENT  
OF RECENT DECISION**

Judge: Honorable Vince Chhabria

Complaint Filed: February 2, 2023

Pursuant to Local Rule 7-3 (d)(2), Plaintiffs file and serve the attached FINDINGS OF FACT AND CONCLUSIONS OF LAW filed on January 16, 2024, in support of Judge William Young's recent decision in *United States v. JetBlue Airways Corporation*, No. (January 16, 2024 D. Mass.), ECF No. 461 in which Judge Young, after plenary trial, permanently enjoined the merger of JetBlue Airways with Spirit Airlines pursuant to Section 7 of the Clayton Act.

A true and correct copy of the judge's decision is attached hereto as Exhibit A. This JetBlue decision concerns allegations similar to those at issue in the instant action as it relates to liability under Section 7 of the Clayton Act with regard to the acquisition of Albertsons by Kroger and is therefore relevant to issues raised herein.

Dated: January 20, 2024

Respectfully submitted:

By: s/ Joseph M. Alioto  
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